I negate and value MORALITY, defined as the conformity of an act to the standard of right conduct because ought implies a moral obligation.

Moral claims are altered and defined by the promises we make. H.L.A. Hart[[1]](#footnote--1) explains:

The most obvious cases of **special rights** are those that **arise from promises**. **By promising** to do or not to do **something, we voluntarily incur obligations** **and** create or **confer rights on those to whom we promise;** **we alter the existing moral independence of the parties' freedom of choice in relation to some action and create a new moral relationship between them, so that it becomes morally legitimate for the person to whom the promise is given to determine how the promisor shall act.** **The promisee has a temporary authority or sovereignty in relation to some specific matter over the other's will which we express by saying that the promisor is under an obligation to the promisee to do what he has promised.** To some philosophers the notion that moral phenomena-rights and duties or obligations-can be brought into existence by the voluntary action of individuals has appeared utterly mysterious; but this I think has been so because they have not clearly seen how special the moral notions of a right and an obligation are, nor how peculiarly they are connected with the distribution of freedom of choice; it would indeed be mysterious if we could make actions morally good or bad by voluntary choice. The simplest case of promising illustrates two points characteristic of all special rights: (1) **the right and obligation arise not because the promised action has itself any particular moral quality, but just because of the voluntary transaction between the parties;** (2) **the identity of the parties concerned is vital-only** this person **(the promisee) has the moral justification for determining how the promisor shall act. It is his right; only in relation to him is the promisor's freedom of choice diminished, so that if he chooses to release the promisor no one else can complain.**

Thus, the standard is consistency with the principles of special rights.

I contend that treating juveniles as adults violates international law, which is a promise the US has made. Connie de la Vega and Michelle Leighton[[2]](#footnote-0) write:

**The U**nited **S**tates **ratified the ICCPR in 1992.** The Committee on Human Rights, **the oversight authority for the treaty, determined** in 2006 **that the U**nited **S**tates **is not in compliance with the treaty because it allows [life without parole]** LWOP **sentences for juvenile**s. The Committee made this determination even considering that the United States had taken a reservation to the treaty to allow the trying of juveniles in adult court in “exceptional circumstances.” **The** extraordinary **breadth and rapid development in the U**nited **S**tates **of sentencing child offenders to LWOP since** the United States’ **ratification** of the ICCPR **contradicts the assertion that** **the U**nited **S**tates **has applied this sentence only in exceptional circumstances.** In fact, the total number of children tried as adults and sentenced to LWOP now exceeds 2484, many of whom were first-time offenders. In evaluating the United States’ compliance with the treaty in 2006, the Committee on Human Rights found the United States to be out of compliance with its obligations. The Committee concluded that the United States’ practice of sentencing child offenders to LWOP violates article 24(l), which states, “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protec- tion as are required by his status as a minor.”The Committee expressed its grave concern “that the treatment of children as adults is not applied in exceptional circumstances only . . . . The Committee is of the view that sentencing children to life sentence without parole is of itself not in compliance with article 24(l) of the Covenant.” **The Committee Against Torture**, the official oversight body for the Convention Against Torture, Cruel, Inhuman or Degrading Treat- ment or Punishment, **to which the U**nited **S**tates **is a legal party, evaluated U**nited **S**tates’ **compliance** in 2006. **The committee commented that the life imprisonment of children “could constitute cruel, inhuman or degrading treatment or punishment,” in violation of the treaty.**

Moreover, the ICCPR requires movement towards a separate juvenile system. Roger Levesque[[3]](#footnote-1) writes:

Despite the long history of the notion of children's rights, the incorporation of children's rights into the juvenile justice system is a recent development. It was not until 1966, with the adoption of **the International Covenant on Civil and Political Rights** ("International Covenant"), that juveniles' rights in judicial proceedings made their first formal appearance. The International Covenant **urged states to separate juvenile offenders from their adult counterparts, speedily adjudicate claims, adopt different trial procedures for juveniles, consider the juvenile's age, and promote rehabilitation**. Although the protections afforded by the International Covenant are limited, these protections are still considerably revolutionary. At a minimum, **all nations that ratify the International Covenant must treat some juveniles differently from adults. In addition, ratifying nations must move toward implementing a separate juvenile justice system that includes rehabilitation.** Despite demonstrating the differing needs of youth from adults, the International Covenant essentially allows individual nation states the authority to determine the nature of the separate system and its requisite procedures.

Thus, by treating juveniles as adults, the US is inconsistent with its international obligations.

1. H.L.A. Hart “Are There Any Natural Rights?” The Philosophical Review, Vol. 64, No. 2 (April 1955), pp. 175-191. Published by Duke University Press. [↑](#footnote-ref--1)
2. Connie de la Vega and Michelle Leighton [Connie de la Vega is Professor of Law and Director of the Frank C. Newman International Human Rights Clinic, University of San Francisco School of Law. Michelle Leighton is Director of Human Rights Programs, Center for Law and Global Justice, University of San Francisco School of Law]“Sentencing Our Children to Die in Prison: Global Law and Practice” University of San Francisco Law Review, Vol. 42. Spring 2008. [↑](#footnote-ref-0)
3. Roger Levesque [Assistant Professor of Criminal Justice, Indiana University. J.D., Columbia University School of Law, 1993; Ph.D., University of Chicago, 1990] “Future Visions Of Juvenile Justice: Lessons From International And Comparative Law” 29 Creighton L. Rev. 1563, June 1996. [↑](#footnote-ref-1)